

## **REMARKS**

The Examiner is thanked for his Office Action dated May 28, 2010. Claims 1, 14-17, 21-32 and 36 are pending in this application and claims 21-30 are currently withdrawn. Please consider the following remarks.

### **Claim Rejections – 35 USC § 102 and 103**

Claims 1, 5-6, 13-15, 20 and 36 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,434,580 of Takano et al. ("Takano"). Claims 10-11 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takano and in further view of U.S. Patent No. 5,857,191 of Blackwell, Jr. et al. ("Blackwell"). Claims 12 and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Takano and further in view of U.S. Patent No. 6,493,722 of Daleen et al. ("Daleen"). Applicant respectfully traverses, and further reserves the right to swear behind Takano, Daleen and any other 102(e) cited art at a later date.

### **The Cited Art**

Takano describes a client computer which enters with a draft preparation means a piece of draft data prepared by an inventor, and transmits with a draft uploading means the draft data and a piece of invention report information to a server computer. The server computer receives with a draft receiving means the transmitted pieces of draft data and invention report information, and enters them with a draft entry means into a specification file, the data and the information being associated with each other. A client computer transfers with a draft downloading means the draft data entered in the server computer, revises with a draft revision means the draft data, and transmits with a draft uploading means the revised draft data to the server computer.

Blackwell describes a web browser which communicates through a secure local proxy to a web server that has an interface for secure communications. The application server has an application program conforming to the CGI programming model that can run continuously as a process and can maintain state information, such as pointers to next

records, thus requiring less computational and memory overhead for a succession of requests.

Daleen describes a system, a method and a computer readable medium for distributing messages from a third-party to a group of subscribers by using subscriber information and subscriber preferences stored in a database so that the group of subscribers can form a community to negotiate a group purchase of a good and/or service from the third party. A subscriber selection system is used for querying the database using one or more subscriber criteria to form a group of one or more subscribers. The one or more subscriber criteria used to query the database is chosen by the third party, which allows the subscriber selection system to form a group of subscribers who satisfy the criteria for a type of subscriber to which the third-party wants to send a message, such as an advertisement. A billing system, which is coupled to the database receives one or more messages from a third-party and then provides the one or more messages from the third party to the group of subscribers that was formed by the corresponding query of the database. Messages from the third-party can be distributed to the group of subscribers without revealing to the third party any of the potentially valuable or sensitive subscriber information stored in the database. In other words, all that a third-party knows is that its message is being sent to a group of subscriber who meet the criteria which the third-party selected. The message includes a contact address which is sent along to the subscribers in the group to form a community for purchasing of a good and/or service from a third party. The group of subscribers formed is sent the contact address with the messages received from the third party. The group purchase allows individuals and businesses to reduce costs by buying items in quantities.

#### The Cited Art Distinguished

Takano teaches a system whereby a patent application is prepared, on-line (*e.g.* over the Internet), for a client (*e.g.* patent applicant). After the application is prepared, it is downloaded to the client's computer. After verification by the client/applicant, it is transmitted to the USPTO. There is no intermediary computer ("web server") disclosed by Takano that is functionally located **between** the client computer (*e.g.* the patent applicant's computer) and the agency server (*e.g.* the USPTO's server) as claimed by Applicant.

Blackwell and Daleen do not cure this deficiency. That is, the client-intermediary-agency architecture and the applicant-client-intermediary-agency architecture of Applicant's claims are missing from the cited art. All of the rejections of the claims fail for at least this reason.

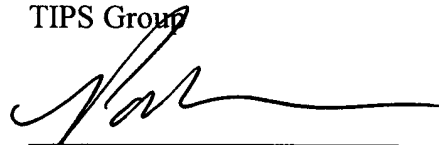
However, solely for the purpose of expediting the prosecution of this application, independent claims 1, 31, 32 and 36 have been amended to be directed to specific example embodiments. Applicant respectfully submits that each of these claims include a combination of limitations not found in the cited art and, therefore, are patentable over the cited art. The dependent claims are patentable for at least the same reasons. Applicant respectfully requests that the rejections be withdrawn. Applicant reserves the right to reintroduce prior claims, without limitation or estoppel, in continuing application(s).

Conclusion

For at least the reasons set forth above, Applicant believes the pending claims to be patentable and respectfully requests a Notice of Allowance. No fees are believed to be due, but any fees required for the entry of this Amendment may be charged to deposit account 50-3539.

Should the Examiner believe that a telephonic or in-person conference would expedite prosecution of this application please feel free to contact the undersigned at the telephone number set out below.

Respectfully submitted,  
TIPS Group



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